



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB2588

Introduced 1/21/2010, by Sen. Bill Brady

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-2	from Ch. 38, par. 1003-3-2
730 ILCS 5/3-8-2	from Ch. 38, par. 1003-8-2
730 ILCS 5/3-8-4	from Ch. 38, par. 1003-8-4

Amends the Unified Code of Corrections. Provides that the Prisoner Review Board shall hear by at least 3 members, and, through a panel of at least 3 members, decide classification of committed persons and transfers of committed persons to another institution or facility. Effective immediately.

LRB096 17870 RLC 33876 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by  
5 changing Sections 3-3-2, 3-8-2, and 3-8-4 as follows:

6 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)  
7 Sec. 3-3-2. Powers and Duties.

8 (a) The Parole and Pardon Board is abolished and the term  
9 "Parole and Pardon Board" as used in any law of Illinois, shall  
10 read "Prisoner Review Board." After the effective date of this  
11 amendatory Act of 1977, the Prisoner Review Board shall provide  
12 by rule for the orderly transition of all files, records, and  
13 documents of the Parole and Pardon Board and for such other  
14 steps as may be necessary to effect an orderly transition and  
15 shall:

16 (1) hear by at least one member and through a panel of  
17 at least 3 members decide, cases of prisoners who were  
18 sentenced under the law in effect prior to the effective  
19 date of this amendatory Act of 1977, and who are eligible  
20 for parole;

21 (2) hear by at least one member and through a panel of  
22 at least 3 members decide, the conditions of parole and the  
23 time of discharge from parole, impose sanctions for

1 violations of parole, and revoke parole for those sentenced  
2 under the law in effect prior to this amendatory Act of  
3 1977; provided that the decision to parole and the  
4 conditions of parole for all prisoners who were sentenced  
5 for first degree murder or who received a minimum sentence  
6 of 20 years or more under the law in effect prior to  
7 February 1, 1978 shall be determined by a majority vote of  
8 the Prisoner Review Board;

9 (3) hear by at least one member and through a panel of  
10 at least 3 members decide, the conditions of mandatory  
11 supervised release and the time of discharge from mandatory  
12 supervised release, impose sanctions for violations of  
13 mandatory supervised release, and revoke mandatory  
14 supervised release for those sentenced under the law in  
15 effect after the effective date of this amendatory Act of  
16 1977;

17 (3.5) hear by at least one member and through a panel  
18 of at least 3 members decide, the conditions of mandatory  
19 supervised release and the time of discharge from mandatory  
20 supervised release, to impose sanctions for violations of  
21 mandatory supervised release and revoke mandatory  
22 supervised release for those serving extended supervised  
23 release terms pursuant to paragraph (4) of subsection (d)  
24 of Section 5-8-1;

25 (4) hear by at least 1 member and through a panel of at  
26 least 3 members, decide cases brought by the Department of

1 Corrections against a prisoner in the custody of the  
2 Department for alleged violation of Department rules with  
3 respect to good conduct credits pursuant to Section 3-6-3  
4 of this Code in which the Department seeks to revoke good  
5 conduct credits, if the amount of time at issue exceeds 30  
6 days or when, during any 12 month period, the cumulative  
7 amount of credit revoked exceeds 30 days except where the  
8 infraction is committed or discovered within 60 days of  
9 scheduled release. In such cases, the Department of  
10 Corrections may revoke up to 30 days of good conduct  
11 credit. The Board may subsequently approve the revocation  
12 of additional good conduct credit, if the Department seeks  
13 to revoke good conduct credit in excess of thirty days.  
14 However, the Board shall not be empowered to review the  
15 Department's decision with respect to the loss of 30 days  
16 of good conduct credit for any prisoner or to increase any  
17 penalty beyond the length requested by the Department;

18 (5) hear by at least one member and through a panel of  
19 at least 3 members decide, the release dates for certain  
20 prisoners sentenced under the law in existence prior to the  
21 effective date of this amendatory Act of 1977, in  
22 accordance with Section 3-3-2.1 of this Code;

23 (6) hear by at least one member and through a panel of  
24 at least 3 members decide, all requests for pardon,  
25 reprieve or commutation, and make confidential  
26 recommendations to the Governor;

1 (7) comply with the requirements of the Open Parole  
2 Hearings Act;

3 (8) hear by at least one member and, through a panel of  
4 at least 3 members, decide cases brought by the Department  
5 of Corrections against a prisoner in the custody of the  
6 Department for court dismissal of a frivolous lawsuit  
7 pursuant to Section 3-6-3(d) of this Code in which the  
8 Department seeks to revoke up to 180 days of good conduct  
9 credit, and if the prisoner has not accumulated 180 days of  
10 good conduct credit at the time of the dismissal, then all  
11 good conduct credit accumulated by the prisoner shall be  
12 revoked; ~~and~~

13 (9) hear by at least 3 members, and, through a panel of  
14 at least 3 members, decide whether to grant certificates of  
15 relief from disabilities or certificates of good conduct as  
16 provided in Article 5.5 of Chapter V; and -

17 (10) hear by at least 3 members, and, through a panel  
18 of at least 3 members, decide classification of committed  
19 persons under Section 3-8-2 and transfers of committed  
20 persons to another institution or facility under Section  
21 3-8-4.

22 (a-5) The Prisoner Review Board, with the cooperation of  
23 and in coordination with the Department of Corrections and the  
24 Department of Central Management Services, shall implement a  
25 pilot project in 3 correctional institutions providing for the  
26 conduct of hearings under paragraphs (1) and (4) of subsection

1 (a) of this Section through interactive video conferences. The  
2 project shall be implemented within 6 months after the  
3 effective date of this amendatory Act of 1996. Within 6 months  
4 after the implementation of the pilot project, the Prisoner  
5 Review Board, with the cooperation of and in coordination with  
6 the Department of Corrections and the Department of Central  
7 Management Services, shall report to the Governor and the  
8 General Assembly regarding the use, costs, effectiveness, and  
9 future viability of interactive video conferences for Prisoner  
10 Review Board hearings.

11 (b) Upon recommendation of the Department the Board may  
12 restore good conduct credit previously revoked.

13 (c) The Board shall cooperate with the Department in  
14 promoting an effective system of parole and mandatory  
15 supervised release.

16 (d) The Board shall promulgate rules for the conduct of its  
17 work, and the Chairman shall file a copy of such rules and any  
18 amendments thereto with the Director and with the Secretary of  
19 State.

20 (e) The Board shall keep records of all of its official  
21 actions and shall make them accessible in accordance with law  
22 and the rules of the Board.

23 (f) The Board or one who has allegedly violated the  
24 conditions of his parole or mandatory supervised release may  
25 require by subpoena the attendance and testimony of witnesses  
26 and the production of documentary evidence relating to any

1 matter under investigation or hearing. The Chairman of the  
2 Board may sign subpoenas which shall be served by any agent or  
3 public official authorized by the Chairman of the Board, or by  
4 any person lawfully authorized to serve a subpoena under the  
5 laws of the State of Illinois. The attendance of witnesses, and  
6 the production of documentary evidence, may be required from  
7 any place in the State to a hearing location in the State  
8 before the Chairman of the Board or his designated agent or  
9 agents or any duly constituted Committee or Subcommittee of the  
10 Board. Witnesses so summoned shall be paid the same fees and  
11 mileage that are paid witnesses in the circuit courts of the  
12 State, and witnesses whose depositions are taken and the  
13 persons taking those depositions are each entitled to the same  
14 fees as are paid for like services in actions in the circuit  
15 courts of the State. Fees and mileage shall be vouchered for  
16 payment when the witness is discharged from further attendance.

17 In case of disobedience to a subpoena, the Board may  
18 petition any circuit court of the State for an order requiring  
19 the attendance and testimony of witnesses or the production of  
20 documentary evidence or both. A copy of such petition shall be  
21 served by personal service or by registered or certified mail  
22 upon the person who has failed to obey the subpoena, and such  
23 person shall be advised in writing that a hearing upon the  
24 petition will be requested in a court room to be designated in  
25 such notice before the judge hearing motions or extraordinary  
26 remedies at a specified time, on a specified date, not less

1 than 10 nor more than 15 days after the deposit of the copy of  
2 the written notice and petition in the U.S. mails addressed to  
3 the person at his last known address or after the personal  
4 service of the copy of the notice and petition upon such  
5 person. The court upon the filing of such a petition, may order  
6 the person refusing to obey the subpoena to appear at an  
7 investigation or hearing, or to there produce documentary  
8 evidence, if so ordered, or to give evidence relative to the  
9 subject matter of that investigation or hearing. Any failure to  
10 obey such order of the circuit court may be punished by that  
11 court as a contempt of court.

12 Each member of the Board and any hearing officer designated  
13 by the Board shall have the power to administer oaths and to  
14 take the testimony of persons under oath.

15 (g) Except under subsection (a) of this Section, a majority  
16 of the members then appointed to the Prisoner Review Board  
17 shall constitute a quorum for the transaction of all business  
18 of the Board.

19 (h) The Prisoner Review Board shall annually transmit to  
20 the Director a detailed report of its work for the preceding  
21 calendar year. The annual report shall also be transmitted to  
22 the Governor for submission to the Legislature.

23 (Source: P.A. 93-207, eff. 1-1-04; 94-165, eff. 7-11-05.)

24 (730 ILCS 5/3-8-2) (from Ch. 38, par. 1003-8-2)

25 Sec. 3-8-2. Social Evaluation; physical examination;

1 HIV/AIDS.

2 (a) A social evaluation shall be made of a committed  
3 person's medical, psychological, educational and vocational  
4 condition and history, including the use of alcohol and other  
5 drugs, the circumstances of his offense, and such other  
6 information as the Department may determine. The committed  
7 person shall be assigned to an institution or facility in so  
8 far as practicable in accordance with the social evaluation.  
9 The Prisoner Review Board shall hear by at least 3 members,  
10 and, through a panel of at least 3 members, approve the  
11 assignment to the institution or facility. Recommendations  
12 shall be made for medical, dental, psychiatric, psychological  
13 and social service treatment.

14 (b) A record of the social evaluation shall be entered in  
15 the committed person's master record file and shall be  
16 forwarded to the institution or facility to which the person is  
17 assigned.

18 (c) Upon admission to a correctional institution each  
19 committed person shall be given a physical examination. If he  
20 is suspected of having a communicable disease that in the  
21 judgment of the Department medical personnel requires medical  
22 isolation, the committed person shall remain in medical  
23 isolation until it is no longer deemed medically necessary.

24 (d) Upon arrival at an inmate's final destination, the  
25 Department must provide the committed person with appropriate  
26 written information and counseling concerning HIV and AIDS. The

1 Department shall develop the written materials in consultation  
2 with the Department of Public Health. At the same time, the  
3 Department also must offer the committed person the option of  
4 being tested, with no copayment, for infection with human  
5 immunodeficiency virus (HIV). The Department shall require  
6 each committed person to sign a form stating that the committed  
7 person has been informed of his or her rights with respect to  
8 the testing required to be offered under this subsection (d)  
9 and providing the committed person with an opportunity to  
10 indicate either that he or she wants to be tested or that he or  
11 she does not want to be tested. The Department, in consultation  
12 with the Department of Public Health, shall prescribe the  
13 contents of the form. The testing provided under this  
14 subsection (d) shall consist of an enzyme-linked immunosorbent  
15 assay (ELISA) test or any other test approved by the Department  
16 of Public Health. If the test result is positive, the Western  
17 Blot Assay or more reliable confirmatory test shall be  
18 administered. Implementation of this subsection (d) is subject  
19 to appropriation.

20 (Source: P.A. 94-629, eff. 1-1-06.)

21 (730 ILCS 5/3-8-4) (from Ch. 38, par. 1003-8-4)

22 Sec. 3-8-4. Intradivisional Transfers.

23 (a) After the initial assignments under Sections 3-8-2 and  
24 3-8-3, all transfers of committed persons to another  
25 institution or facility shall be reviewed and approved by the

1 Prisoner Review Board and a person ~~or persons~~ designated by the  
2 Director. A record of each transfer and the reasons therefor  
3 shall be included in the person's master record file.

4 (b) Transfers to facilities for psychiatric treatment and  
5 care within the Department shall be made only after prior  
6 psychiatric examination and certification to the Director that  
7 such transfer is required. Persons in facilities for  
8 psychiatric treatment and care within the Department shall be  
9 reexamined at least every 6 months. Persons found to no longer  
10 require psychiatric treatment and care shall be transferred to  
11 other facilities of the Department.

12 (Source: P.A. 77-2097.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.